



United States Department of the Interior

BUREAU OF LAND MANAGEMENT WARM SPRINGS RESOURCE AREA

15 East 500 North
Fillmore, Utah 84631



IN REPLY REFER TO:

3800
UT055

May 11, 1990

Steven Hodges
710 North 100 West
Beaver, Utah 84713

Dear Mr. Hodges:

*ms/
millard
5027017*
Your notice to conduct mining related operations on your claims, Flint No. 1, Flint No. 8, Fraction and the Cruz4 in T. 24 S., R. 9 W., Sections 10, 11, 14, 18 and 19, has been received and accepted by this office. Your notice has been assigned case file number UT-055-90-07N. Please use this number in any future correspondence concerning this notice.

If you change your operation from what is described in your notice, please contact this office prior to the change. If your operations extend for more than one year, please advise this office of the status of your mining related activity on the anniversary date of your notice.

A copy of your notice has been sent to the Utah Division of Oil, Gas and Mining (DOGM); therefore, you will not have to file this notice with DOGM. However, reclamation under this notice is required to conform to the standards of the Utah Mined Land Reclamation Act. Also, all mining claimants and operators that plan to use, store, or divert water are required by Utah statute to notify the Utah Department of Water Resources at:

1636 West North Temple
Salt Lake City, Utah 84180-1203

As required by 43 CFR 3809, Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands during your operations. Please notify this office upon completion of operations and reclamation, so an inspection may be conducted on the site.

It is our preliminary opinion that the **obsidian** which it is your intent to mine is a common variety material and as such is not subject to location under the general mining laws, but is only available for disposal through sale. This position is based upon the results of US vs. Mansfield, 35 IBLA 95 (1978) which held that obsidian is a common variety mineral because it occurs in almost limitless quantities. It is possible that uncommon varieties of obsidian exist. In McClarty v. Secretary of the Interior, 408 F.2d 907, 908 (9th Cir. 1969), the Court set standards to distinguish between common varieties and uncommon varieties:

1. there must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. the mineral deposit in question must have a unique property;
3. the unique property must give the deposit a distinct and special value;
4. if the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

The material in which you are interested has a unique property - snowflake. This unique property may give this material special value. However, this material will be used in lapidary work, which is the same use to which other obsidian is put. Therefore, for this material to be uncommon variety, it must have substantially greater value than other obsidians. We have been unable to locate conclusive evidence that this is, in fact, the case.

Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

Acceptance of your notice will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

Thank you for submitting your notice. If you have any questions regarding this letter, please contact Phil Allard at (801) 743-6811.

Sincerely,


for Dave Henderson
Area Manager

cc: D. Wayne Hedberg, UDOGM
Jerry Reagan, Millard County Planning and Zoning

Letter of Intent For 1990

I intend to dig Snowflake obsidian using a backhoe and possibly drilling and blasting - if absolutely necessary.

Most of the work will be done in already existing ditches.

No road building should be necessary at this time. Existing roads are adequate.

The claims are located as follows:

flint #1 - T 24 S R 9 W Section 11
South Center

flint #8 - T 24 S R 9 W Section 10, 11
NE 1/4, SE 1/4 of section 10
NW 1/4, SW 1/4 of section 11

fraction - T 24 S R 9 W Section 14

North Center directly south
of flint #1

BUREAU OF LAND MANAGEMENT

RECEIVED

APR 23 1990

* See attached map for above claims

~~Block 101~~ - R 8 W T 23 S section 18, 19

South West corner of 18

North West corner of 19

Warm Springs A.M.

House Range A.M.

Operations Division

FILE

Date: 4/22/90

Signed: Steven Hodges

LOCATION NOTICE - LODE CLAIM

Notice is hereby given that the undersigned locate and claim the following described piece of mineral bearing ground as a LODE claim. From this discovery monument

10 feet in a north direction and 1490

feet in a south direction and 300 feet on each side of the middle of the vein or a claim 600 feet by 1,500 feet in size.

General course of the vein or claim is north and south

and this claim shall be known as the FLINT

No. 8 Lode Claim, situated in the unknown Mining District, County of Willard, State of Utah

This claim is located about NE 1/4 and SE 1/4 of section 10 = NW 1/4 and SW 1/4 of section 11.
Salt Lake Base Meridian

R9W T24S